

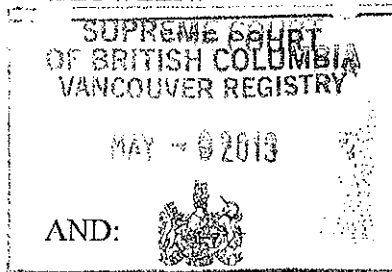
S-133397

No. _____

Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:



MELISSA MARIN, CAROL COTE and
DONALD COTE

PLAINTIFFS

HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF BRITISH COLUMBIA
(MINISTER OF JUSTICE), THE CITY OF VANCOUVER, ROBERT WILLIAM PICKTON,
DAVID FRANCIS PICKTON, LINDA LOUISE WRIGHT, RICHARD HALL, EARL
MOULTON, BRAD ZALYS, RUTH CHAPMAN and FRANK HENLEY,

DEFENDANTS

NOTICE OF CIVIL CLAIM

This action has been started by the plaintiffs for the relief set out in Part 2 below.

If you intend to respond to this action, you or your lawyer must

- (a) file a response to civil claim in Form 2 in the above-named registry of this court within the time for response to civil claim described below, and
- (b) serve a copy of the filed response to civil claim on the plaintiff.

If you intend to make a counterclaim, you or your lawyer must

- (a) file a response to civil claim in Form 2 and a counterclaim in Form 3 in the above-named registry of this court within the time for response to civil claim described below, and
- (b) serve a copy of the filed response to civil claim and counterclaim on the plaintiff and on any new parties named in the counterclaim.

JUDGMENT MAY BE PRONOUNCED AGAINST YOU IF YOU FAIL to file the response to civil claim within the time for response to civil claim described below.

Time for response to civil claim

A response to civil claim must be filed and served on the plaintiff(s),

(a) if you were served with the notice of civil claim anywhere in Canada, within 21 days after that service,

(b) if you were served with the notice of civil claim anywhere in the United States of America, within 35 days after that service,

(c) if you were served with the notice of civil claim anywhere else, within 49 days after that service, or

(d) if the time for response to civil claim has been set by order of the court, within that time.

Claim of the Plaintiffs

Part 1: STATEMENT OF FACTS

Parties

1. The Plaintiff, Melissa Marin, is a realtor and has an address for service at 302-560 Beatty Street, in the City of Vancouver, British Columbia.
2. The Plaintiff, Carol Cote, is an early childhood educator and has an address for service at 302-560 Beatty Street, in the City of Vancouver, British Columbia.
3. The Plaintiff, Donald Cote, is without employment and has an address for service at 302-560 Beatty Street, in the City of Vancouver, British Columbia.
4. The Defendant Her Majesty the Queen in Right of British Columbia (Minister of Justice) (the "Province") has an address for service at P.O. Box 9206 Stn Prov Govt, in the City of Victoria, in the Province of British Columbia. The Province provides policing services within British Columbia under contract with the Royal Canadian Mounted Police ("RCMP"). The Province is named as a defendant in right of the Provincial RCMP (E-Division) and in right of the Coquitlam Detachment of the RCMP.
5. The City of Vancouver is a municipality incorporated by the *Vancouver Charter* S.B.C. 1953, c.55, and has an address for service at 453 West 12th Avenue in the City of Vancouver, British Columbia. The City of Vancouver is named as a defendant in right of the Vancouver Police Department.
6. The Defendant, Robert William Pickton, is a convicted murderer and is incarcerated at Kent Institution at 4732 Cemetery Road, Kent, British Columbia. Robert Pickton is a former resident of and owner in joint tenancy of 953 Dominion Avenue, in the City of Port Coquitlam, British Columbia (the "Pickton Property")

7. The Defendant David Francis Pickton is the brother of Robert Pickton. He is an owner in joint tenancy and former resident of the Pickton Property and resides at [REDACTED] in the [REDACTED] British Columbia.
8. The Defendant Linda Louise Wright is an owner in joint tenancy of the Pickton Property and resides at [REDACTED] in the [REDACTED] British Columbia.
9. The Defendant Richard Hall ("Hall") was at all material times a member of the RCMP employed at the Coquitlam Detachment and resides at an address presently unknown to the Plaintiffs.
10. The Defendant Earl Moulton ("Moulton") was at all material times a member of the RCMP employed at the Coquitlam Detachment and resides at an address presently unknown to the Plaintiffs.
11. The Defendant Brad Zalys ("Zalys") was at all material times a member of the RCMP employed at the Coquitlam Detachment and presently resides at an address unknown to the Plaintiffs.
12. The Defendant Frank Henley ("Henley") was at all material times a member of the RCMP employed at E-Division and presently resides at an address unknown to the Plaintiffs.
13. The term Vancouver Police Department ("VPD") is employed herein to refer to the collective or particular persons employed as sworn members and civilian staff employed by the Vancouver Police Board and the City of Vancouver.
14. The term RCMP is employed herein to refer to the collective and particular persons employed as "provincial constables" in the Province of British Columbia pursuant to the *Police Act* R.S.B.C. 1996, c. 367 (the "*Police Act*").
15. The Defendants Hall, Moulton, Zalys, Pollock and Henley are referred to collectively herein as the "Coquitlam Defendants".

16. The Defendants Robert Pickton, David Pickton and Linda Wright are referred to collectively herein as the "Pickton Siblings".

Background

17. The Plaintiffs are the daughters and son of Dianne Rosemary Rock ("Dianne").
18. Dianne was qualified and employed for most of her adult life as a health care aide, although she periodically struggled with addiction to illicit substances and engaged in sex work to support her addiction. Working as a health care aide was consistent with Dianne's greatest strength – her ability to take care of others around her. On October 17, 2001, she called her son to wish him a happy birthday and tell him that she would see him soon. She was last seen on October 19, 2001.
19. Dianne was generally a loving and caring mother who lived with and provided for her daughters, the plaintiffs, Melissa and Carol, in Vancouver for 8 years. Dianne was very close to her daughters; she cooked and baked with them, taught them to have patience with, love and respect all people no matter their standing. She regularly took her daughters to work to meet the disabled people she took care of. As soon as they were old enough, Melissa and Carol watched movies together with their mother every Sunday night. Dianne's son, the plaintiff Donald Cote, lived in Ontario with his biological father, but saw his mother on many occasions during his childhood. Donald spoke with his mother on the phone at least once a week or more to offer guidance and support. Donald would confide in his mother and tell her all the things that he could not tell his friends or his father. Donald looked forward to the day when he would turn 18 and join his mother in Vancouver.
20. In the final year of her life, Dianne began to use illicit drugs to compensate for the stress of a breakup with her common-law husband, but she remained in regular contact with her daughters. Dianne was seeking treatment for her addiction in the period before she was murdered. Had she not been killed, it is probable that Dianne would have recovered from her

addiction as she was on sick leave from work and was actively seeking treatment for her addiction when she disappeared.

21. Dianne was one of at least 67 women (the “Missing Women”) involved in the street-level sex trade who went missing from Vancouver from 1978 until February 5, 2002 and whose disappearance was or ought to have been subject to a proper investigation by the VPD and the RCMP.
22. On or about February 5, 2002, members of the Royal Canadian Mounted Police (“RCMP”), executed a search warrant for illegal firearms at the Pickton Property and found evidence linking Robert Pickton with the disappearance of some Missing Women. Robert Pickton was charged with first-degree murder in the deaths of twenty-seven women, including Dianne.
23. On December 9, 2007, Robert Pickton was convicted of second-degree murder in the deaths of six women: Sereena Abotsway, Marnie Frey, Andrea Joesbury, Georgina Papin, Mona Wilson and Brenda Wolfe. He was sentenced to life imprisonment with no possibility of parole for 25 years.
24. On or about August 4, 2010, the Crown stayed charges against Robert Pickton for the murder of the remaining twenty women, including the charges approved with respect to Dianne’s murder.

Failure of the Crown to Prosecute and Protect the Public from Robert Pickton

25. On March 23, 1997, Robert Pickton attacked a Vancouver-based sex worker at the Pickton Property (the “1997 Victim”). On March 17, 1997, the 1997 Victim told Coquitlam RCMP that many sex workers were buried at the Pickton Property and that Robert Pickton told her he would go to the Downtown Eastside once a week to get prostitutes.
26. On March 28, 1997, Robert Pickton was released from police custody without charges and without any terms of release. On or about April 1, 1997, Crown counsel Richard Romano approved charges of attempted murder, assault with a weapon, unlawful confinement and

aggravated assault against Robert Pickton for the 1997 Incident. Robert Pickton was arrested and detained in custody thereafter.

27. On April 8, 1997, Robert Pickton was released on bail without conditions preventing him from frequenting the Downtown Eastside or from having direct or indirect contact with sex workers. Crown counsel knew or ought to have known that Robert Pickton presented a clear and present danger to the life and security of sex workers. The Crown's failure to impose reasonable bail conditions was a contributing cause of Dianne's death and caused the Plaintiffs to suffer losses and damages.
28. The trial of Robert Pickton for attempted murder was scheduled to be heard over five days commencing February 2, 1998. Crown counsel assigned conduct of the case failed to prepare for the case in a timely manner and failed to appropriately interview the 1997 Victim. On January 26, 1998, Crown counsel Randi Connor stayed the criminal charges against Robert Pickton relating to the 1997 Incident. Crown counsel failed to consider the applicable charge approval policy dealing with dangerous persons and vulnerable victims. Crown counsel knew or ought to have known that entering a stay of proceedings would increase the risk that Robert Pickton would continue to cause death and serious injury.
29. The Plaintiffs claim that the Crown owed a duty of care to Dianne, as a resident of the Province of British Columbia, to take reasonable care to enforce provisions of the *Criminal Code* and prosecute persons who commit the offences therein. The Crown's failure to enforce the *Criminal Code* was a contributing cause of Dianne's death and caused harm to the Plaintiffs.

Failure to Investigate and Failure to Warn

30. The Defendants VPD and RCMP were aware of the risk that a serial killer or serial predator was attacking sex workers in the Downtown Eastside. Sources of information included the following:

- (a) An analysis conducted in 1992 as part of "Project Eclipse";
- (b) Reliable information about Robert Pickton's assault of Victim 1997;
- (c) A CPIC broadcast sent on March 29, 1997 from Port Coquitlam RCMP member Cpl. Mike Connor to all police members within British Columbia that Robert Pickton is a threat to sex workers;
- (d) Reliable information provided by Wayne Leng on July 28, 1998 to VPD Det/Cst. Shenher;
- (e) Reliable information conveyed to the Crimestoppers tip line on August 6, 1998, by William Hiscox;
- (f) Risk analysis conducted by Det/Insp. Kim Rossmo in September of 1998 and early 1999 and thereafter;
- (g) Surveillance of Robert Pickton in Vancouver in 1998;
- (h) Reliable information provided by Ross Caldwell and other persons in 1999 about the general danger posed by Robert Pickton and his specific *modus operandi*;
- (i) Information from friends and family members that women were missing; and
- (j) Information about disappearances of sex workers based in Vancouver from other community sources, including the Union of British Columbia Indian Chiefs, PACE, DEYAS, WISH, VPNSL and others.

31. VPD and RCMP management were aware of the risk posed by a serial killer generally and Robert Pickton specifically. The senior members included Terry Blythe, Brian McGuinness, Chris Beach, Fred Biddlecombe, Gary Bass, Beverly Busson, Robert Paulson, and Sarah Bloor.
32. Notwithstanding their knowledge of the risk to sex workers, VPD and RCMP failed to warn and provided false assurances of safety to Dianne and others, knowing those assurances to be false, a small number of examples of which are as follows:

- (a) On September 18, 1998, VPD Insp. Greer told the Vancouver Sun newspaper that “We’re in no way saying there is a serial murderer out there. We’re in no way saying all these missing people are dead. We’re not saying any of that.”
 - (b) On January 4, 1999, Sgt. Geramy Field stressed to the Vancouver Sun that “police have no evidence that a serial killer is at work in Vancouver”; and
 - (c) On September 23, 2001, VPD media liaison Sarah Bloor told The Province Newspaper that “We just don’t have any concrete facts to suggest that” in reference to the possibility of an active serial killer in Vancouver.
33. The failure to warn and provision of false assurances by the VPD and RCMP was a contributing cause of Dianne’s death and caused harm to the Plaintiffs. The VPD and RCMP owed and breached a duty of care to Dianne, as a member of the public and as an individual within a group at heightened risk of harm from a serial killer and at heightened risk of harm from Robert Pickton, to warn Dianne of the risk to her safety posed by a serial killer.
34. Notwithstanding their knowledge of the risk to sex workers, VPD and RCMP failed to assign adequate or sufficient resources to investigate Robert Pickton or a serial killer. The failure to assign adequate resources was a contributing cause of Dianne’s death and caused harm to the Plaintiffs.
35. The VPD and RCMP investigations of Robert Pickton were negligent and, in particular, the investigations were deficient in the following respects:
- (a) Failure to consider and pursue all investigative strategies;
 - (b) Failure to employ investigative strategies that took into account the First Nations background of witnesses and victims;
 - (c) Failure to follow up on tips and mismanagement of information and information sources;
 - (d) Limited, inadequate and inept use of surveillance, undercover operations, search warrants and forensic evidence;

- (e) Failure to establish and pursue a suspect-based investigation;
- (f) Failure to confirm or rule out suspects;
- (g) Failure to follow Major Case Management practices and policies or to use information management tools;
- (h) Failure to address cross-jurisdictional issues and coordinate effectively between departments;
- (i) Failure to supervise and manage the investigations; and
- (j) Failure to engage in internal review and to engage in external accountability.

36. The negligence of the VPD and RMCP was a contributing cause of Dianne's death and caused harm to the Plaintiffs.

Failure of the Coquitlam Defendants to Properly Investigate Robert Pickton

37. On or about March 23, 1997, members of the Coquitlam Detachment commenced an investigation of Robert's Pickton's attack on Victim 1997. In September of 1998, Det/Cst. Shenher relayed the information provided to her by Hiscox to members of the Coquitlam Detachment and members of the Coquitlam Detachment commenced a broader investigation of Robert Pickton.
38. The investigation of Robert Pickton by the Coquitlam Detachment was deficient in the following respects:
- (a) Coquitlam RCMP members and management allowed or failed to prevent Robert Pickton from learning of the existence of the investigation and specific investigative steps, including covert surveillance;
 - (b) Coquitlam RCMP members and management failed to deploy human sources of information available to them throughout the investigation;

- (c) Coquitlam RCMP members and management failed to interview Robert Pickton or search the Pickton Property despite Robert Pickton's willingness to allow a search and be interviewed;
- (d) Coquitlam RCMP members Chapman and Cater conducted a deficient interview of Robert Pickton on January 19, 2000, in the presence of his friend Gina Houston, contrary to accepted police practices regarding interviewing criminal suspects;
- (e) On or about March 30, 2001, Henley visited the Pickton Property and informed Robert Pickton that he was under investigation by the RCMP, contrary to the ongoing confidentiality of the investigation, and unlawfully disclosed the names of confidential informants to Robert Pickton; and
- (f) Henley attacked the credibility of the confidential informants without basis in an effort to forestall or undermine the investigation.

39. The Coquitlam Defendants, and each of them, owed a duty of care to Dianne, as a member of the public, to take all reasonable and necessary steps to investigate Robert Pickton as a suspect in the disappearance of Dianne and other Missing Women.

40. The Coquitlam Defendants, and each of them, breached the duty of care owed to Dianne as plead herein and accordingly were negligent and grossly negligent. The negligence or gross negligence of the Coquitlam Defendants, and each of them, was a contributing cause of Dianne's death and caused harm to the Plaintiffs.

Liability of Robert Pickton

41. On a date unknown to the Plaintiffs, Dianne attended the Pickton Property and was murdered on the property by Robert Pickton.

Occupier's Liability of the Pickton Siblings

42. David Pickton and Linda Wright were at all times aware that Robert Pickton was bringing Vancouver-based sex workers to the Pickton Property and causing them harm. David Pickton and Linda Wright knew that Robert Pickton and others tortured and killed sex workers and other persons at the Pickton Property, and were aware that the actions and propensities of Robert Pickton represented a danger to persons attending the Pickton Property.
43. The Pickton Siblings, and each of them, owed a duty of care to Dianne as occupiers of the Pickton Property, pursuant to the *Occupier's Liability Act* R.S.B.C. 1996 c. 377 to ensure that Dianne would be reasonably safe in using and attending the Pickton Property, and owed a duty of care not to act with reckless disregard to the safety of Dianne and not to create a danger with intent to do harm to Dianne on the Pickton Property.
44. Each of the Pickton Siblings breached the duty of care owed to Dianne and accordingly were negligent or grossly negligent. The negligence and gross negligence of the Pickton Siblings, and each of them, caused or contributed to the death of Dianne and caused harm to the Plaintiffs:

David Pickton Abetted Robert Pickton's Attack on the 1997 Victim

45. David Pickton abetted Robert Pickton's attack on the 1997 Victim by lying to police investigators about his brother. His lies to investigators included the following:
- (a) That Robert Pickton did not bring sex workers from Vancouver to the Pickton Property;
 - (b) That Robert Pickton did not own handcuffs; and
 - (c) That Robert Pickton was of non-violent disposition.
46. David Pickton lied to police investigators about his brother Robert with the intention to obstruct and hinder the police investigation and to undermine his brother's prosecution for

attacking the 1997 Victim. His intention was to assist Robert Pickton to get away with the crime of attempted murder. David Pickton's lies in fact hindered and obstructed the police investigation and contributed to undermining the prosecution of Robert Pickton, and was a contributing cause of Dianne's death and caused harm to the Plaintiffs.

Harmful Disclosure of Fact and Manner of Mother's Death

47. The VPD, RCMP and prosecution service caused and aggravated psychological suffering, grief and distress to the Plaintiffs by failing to relay information regarding the fact and manner of their mother's death in a timely or appropriate manner. The psychological suffering, grief and distress caused and aggravated by the defendant's failure to convey information about the fact and manner of the plaintiffs' mother's death caused the plaintiffs to lose employment and income.
48. The Plaintiff, Melissa Marin, learned of the fact that her mother had been murdered by way of a telephone call on April 1, 2002 at 9:30 p.m., when she was 18 years old and 7 months pregnant with the first of her four children. She was told in a dry tone by an unknown Detective involved with the investigation of the Pickton Property that there was sufficient evidence to believe that her mother was murdered, that Robert Pickton would be charged and that there would be media coverage of her mother's death the next morning.
49. Melissa initially thought it was an April Fool's prank and demanded to know who was calling. The caller said in a stern and impatient voice, "Ma'am, it's the police". No other details were given to Melissa at that time. The call was a few minutes in duration. The caller was in a hurry and said that other calls needed to be made. Melissa was not offered counseling or support or told what to expect aside from media coverage. There was widespread media coverage the next morning.
50. Carol was living with Melissa and was home at the time of the April 1, 2002 phone call. Melissa immediately told Carol what she had been told by the Detective. Neither Carol nor Donald were contacted directly by any of the defendants before the fact of their mother's

death was released to the media, and neither of them were offered support, counseling services or advised about what to expect in the coming days and years.

51. During the April 1, 2002 phone calls, Melissa Marin was not told that her mother's DNA was found in Robert Pickton's trailer and in a meat freezer on the Pickton Property, or that her mother's purse was found on the Pickton Property, or that Robert Pickton's DNA was found on a condom in her mother's purse.
52. In the summer of 2010, a member of Project Evenhanded contacted Melissa and Carol and asked that they attend a police detachment the next day. The conversation was hurried and the officer insisted that they attend the next day, even though it was inconvenient. The member of Evenhanded agreed to provide Melissa and Carol with a ride to the detachment, but they were picked up by a marked police cruiser and transported to the New Westminster detachment like prisoners in the back of the cruiser.
53. Melissa and Carol were kept at the New Westminster detachment in a cold and sterile environment for four hours with few pauses and shown graphic crime scene photos and maps of the Pickton Property and given general information about the investigation of Robert Pickton. The police officers dealing with Melissa and Carol made no apology and did not acknowledge that the police forces had any responsibility for their mother's death. Melissa and Carol were specifically not told at the 2010 meeting that their mother's DNA was found in the trailer and freezer, or that a condom with Robert Pickton's DNA was found in their mother's purse.
54. Melissa and Carol were told from the beginning of the investigation that their mother's personal effects had been seized by police officers from her residence during the investigation of her disappearance and were held in garbage bags at the police station. In 2010, Melissa and Carol asked for their mother's personal effects, but after someone looked for their mother's personal effects for approximately one hour, Melissa and Carol were told that the police had lost her effects. They were told the police would continue to look into it, but no further contact was made.

55. Carol learned in late April of 2013 that her mother's DNA was found in Robert Pickton's trailer and in a meat freezer on the Pickton Property and that a condom with Robert Pickton's DNA was found in her mother's purse, after conducting an internet search using her mother's name and finding a news article. The news article relayed details reported at *R. v. Pickton*, 2007 BCSC 88 at paragraphs 27-29. The plaintiffs were not told that a hearing into evidence involving their mother was held, that there would be a publication ban on the result of the hearing or that the publication ban would expire.
56. Carol relayed the information she found in late April of 2013 to Melissa, who in turn relayed the information to Donald.
57. The defendants' callous insensitivity, indifference, carelessness and gross negligence in informing the plaintiffs of their mother's death deepened, prolonged and refreshed the sorrow and grief caused to the plaintiffs by their mother's death. The defendants' conduct has caused the plaintiffs to grieve their mother's death three times instead of once, and deeper and more profoundly each time.
58. The defendants' conduct in failing to respectfully and reasonably inform the plaintiffs of the fact and manner of their mother's death has caused them to suffer severe emotional distress and psychological effects, including post-traumatic stress disorder, chronic depression, social withdrawal and inability or diminished capacity to earn income.

The Plaintiffs were Harmed

59. The plaintiffs suffered the following harms resulting from the death of their mother and from the manner that her death was communicated to them:
- (a) Loss of affection and emotional support;
 - (b) Loss of financial support; and
 - (c) Grief, distress, post traumatic stress disorder, depression, social withdrawal and loss of ability to work and loss of income.

Part 2: RELIEF SOUGHT

60. The Plaintiffs claim the following damages from the Crown for the negligence or gross negligence of the RCMP, for the negligence of the Coquitlam Defendants and negligence of Criminal Justice Branch employees described herein:
- (a) general damages;
 - (b) special damages;
 - (c) aggravated damages;
 - (d) punitive or exemplary damages;
 - (e) an injunction requiring the defendants to deliver Dianne's personal effects to counsel for the plaintiff;
 - (f) costs;
 - (g) interest pursuant to the *Court Order Interest Act*, R.S.B.C. 1996, c. 79 and amendments thereto; and
 - (h) such further and other relief as to this Honourable Court may seem just.
61. The Plaintiffs claim the following damages from the Coquitlam Defendants for their gross negligence described herein:
- (a) general damages;
 - (b) special damages;
 - (c) aggravated damages;
 - (d) punitive or exemplary damages;
 - (e) costs;
 - (f) interest pursuant to the *Court Order Interest Act*, R.S.B.C. 1996, c. 79 and amendments thereto; and

(g) such further and other relief as to this Honourable Court may seem just.

62. The Plaintiffs claim the following damages from the City for the negligence or gross negligence of the VPD described herein:

(a) general damages;

(b) special damages;

(c) aggravated damages;

(d) punitive or exemplary damages

(e) costs;

(f) interest pursuant to the *Court Order Interest Act*, R.S.B.C. 1996, c. 79 and amendments thereto; and

(g) such further and other relief as to this Honourable Court may seem just.

63. The Plaintiffs seek damages from the Defendants Robert Pickton, David Pickton and Linda Wright for their negligence or gross negligence described herein:

(a) general damages

(b) special damages;

(c) aggravated damages;

(d) punitive or exemplary damages;

(e) costs;

(f) interest pursuant to the *Court Order Interest Act*, R.S.B.C. 1996, c. 79 and amendments thereto; and

(g) such further and other relief as to this Honourable Court may seem just.

Part 3: LEGAL BASIS

64. The Plaintiffs claim damages from the Defendants named herein for their negligent conduct causing or contributing to the death of Dianne pursuant to the *Family Compensation Act* R.S.B.C.
65. The Plaintiffs specifically plead and rely on the *Negligence Act* R.S.B.C. 1996 c. 333.
66. The Plaintiffs specifically plead and rely on the *Occupier's Liability Act* R.S.B.C. 1996 c. 337.
67. The Plaintiffs specifically plead and rely on the *Crown Proceeding Act* R.S.B.C. 1996, c. 67 (the "Crown Proceeding Act").

Negligence of the Crown

68. The Crown was at all material times, jointly and severally liable for damages owing to the Plaintiffs as a result of negligent acts and omissions of Crown employees in the course of their duties while employed at the Criminal Justice Branch of the Ministry of the Attorney General for British Columbia, pursuant to the *Crown Proceeding Act*.
69. The Plaintiffs claim that the Crown owed a duty of care to Dianne, as a resident of the Province of British Columbia, to take reasonable care to enforce provisions of the *Criminal Code* and prosecute persons, including Robert Pickton, who commit the offences therein.
70. The Plaintiffs claim that the Crown failed to take reasonable care to enforce the provisions of the *Criminal Code*, failed to prosecute Robert Pickton, and accordingly was negligent, particulars of which include, but are not limited to:
 - (a) failing to take reasonable actions to prepare for the trial of Robert Pickton for the offences arising out of the 1997 Incident;

- (b) failing to provide adequate support and preparation for the 1997 Victim to participate as a witness in the trial of Robert Pickton for offences against her; and
- (c) failing to proceed with the trial of Robert Pickton for the offences arising out of the 1997 Incident.

71. The Plaintiffs claim that the Crown owed a duty of care to Dianne, as a resident of the Province of British Columbia, to take reasonable care to apply appropriate bail conditions to Robert Pickton, as a person accused of violent crime.

72. The Plaintiffs claim that the Crown failed to request and impose appropriate bail conditions on Robert Pickton following his attack on the 1997 Victim, and was accordingly negligent, particulars of which include but are not limited to:

- (a) failing to impose “no go” restrictions on Robert Pickton preventing him from visiting the Downtown Eastside; and
- (b) failing to impose a condition preventing Robert Pickton from having direct or indirect contact with sex workers.

Negligence in Imparting Information

73. The VPD, RCMP and Crown had a duty to take reasonable care in imparting information about the fact and manner of Dianne’s death to the Plaintiffs in a timely and appropriate way. The VPD, RCMP and Crown were negligent in failing to do so.

Negligence and Gross Negligence of the VPD and RCMP

74. The Crown is jointly and severally liable for damages owing to the Plaintiffs as a result of the wrongful or negligent acts and omissions of provincial constables in the course of their duties

while employed at the RCMP's Coquitlam Detachment and at E-Division pursuant to the *Police Act*.

75. The City is jointly and severally liable for damages owing to the Plaintiffs as a result of the wrongful or negligent acts and omissions of police officers in the course of their duties while employed by the Vancouver Police Department pursuant to the *Police Act*.

76. The VPD and RCMP each owed a duty of care to Dianne, as a member of the public and as an individual meeting the description of the Missing Women, to warn Dianne of the risk to her safety posed by a serial killer. The Plaintiffs claim that the VPD and RCMP, and each of them, failed to warn and provided Dianne with false assurances regarding the risk posed to her safety by a serial killer, and were accordingly negligent or grossly negligent, particulars of which include, but are not limited to:

- (a) failing to directly or indirectly warn Dianne and other women matching the Missing Women profile of the possibility of a serial killer;
- (b) failure to provide Dianne and other women with specific information about Robert Pickton and his method of operating;
- (c) providing misinformation to Dianne, other women matching the Missing Women profile, and the public, intentionally or with willful disregard for the truth, regarding evidence of a serial killer; and
- (d) failing to provide corrective information to the public in response to several media reports suggesting that there was no evidence of a serial killer.

77. The VPD and RCMP each owed a duty of care to Dianne, as a member of the public and as a person at enhanced risk of injury and death, to take reasonable action to investigate Dianne's disappearance and potential murder.

78. The negligence and gross negligence of the VPD and RCMP contributed to the death of Dianne and caused the Plaintiffs to suffer harm.

Negligence and Gross Negligence of the Coquitlam Defendants

79. The Coquitlam Defendants each owed a duty of care to Dianne, as a member of the public and as a person at increased risk of injury and death, to take all reasonable and necessary steps to investigate Robert Pickton as a suspect in the disappearance of Dianne and other Missing Women.
80. The Coquitlam Defendants each failed to take all reasonable and necessary steps to investigate Robert Pickton, and were accordingly negligent or grossly negligent, particulars of which include, but are not limited to:
- (a) failing to request adequate resources for the investigation of Robert Pickton;
 - (b) failing to devote adequate resources to the investigation of Robert Pickton;
 - (c) failing to follow up on tips regarding Robert Pickton;
 - (d) failing to maintain adequate surveillance of Robert Pickton;
 - (e) failing to maintain adequate surveillance of the Pickton Property;
 - (f) alerting Robert Pickton to the confidential police investigation into his conduct thereby enabling him to better conceal his illegal activities;
 - (g) failing to take all reasonable and necessary steps to investigate Robert Pickton in connection with the disappearance and murder of the Missing Women; and
 - (h) failing to enforce the provisions of the *Criminal Code* which the Coquitlam Defendants had a duty to enforce.
81. The negligence and gross negligence of each of the Coquitlam Defendants contributed to the death of Dianne and caused the Plaintiffs to suffer harm.

Intentional Tort by Robert Pickton

82. The Plaintiff says that Robert Pickton's murder of Cynthia Feliks is an intentional tort for which she is entitled to compensation. The Plaintiff relies on the *Family Compensation Act*. The Plaintiff further says that a suit for compensation for grief, distress and emotional damage caused by wrongful death may be maintained against a defendant who has intentionally killed the parent of the plaintiff.

Negligence and Gross Negligence of David Pickton and Linda Wright

83. The Plaintiffs claim that each of David Pickton and Linda Wright owed a duty of care to Dianne, pursuant to the *Occupier's Liability Act* R.S.B.C. 1996 c. 377 to ensure that Dianne would be reasonably safe in using the premises of the Pickton Property, not to act with reckless disregard to the safety of Dianne, and not to create a danger with intent to do harm to Dianne on the Pickton Property.

84. The Plaintiffs claim that the Pickton Siblings, and each of them, breached the duty of care owed to Dianne as plead herein and accordingly are liable for losses and damages caused to the Plaintiffs as a result of such negligence or gross negligence, of the Pickton Siblings, and each of them, particulars of which include, but are not limited to:

- (a) committing, aiding or failing to prevent the unlawful confinement of Dianne on the Pickton Property;
 - (b) committing, aiding or failing to prevent the sexual assault on Dianne on the Pickton Property;
 - (c) committing, aiding or failing to prevent the physical assault on Dianne on the Pickton Property;
 - (d) committing, aiding or failing prevent the torture of Dianne on the Pickton Property;
- and

(e) committing, aiding or failing to prevent the murder and death of Dianne on the Pickton Property.

85. The Plaintiffs claim the negligence or gross negligence of the Pickton Siblings, and each of them, caused or contributed to the death of Dianne.

86. The Plaintiffs claim that the negligence or gross negligence of the Pickton Siblings, and each of them, caused the Plaintiffs to suffer such losses and damages as are herein described.

Punitive and Aggravated Damages

87. The Plaintiffs claim punitive or exemplary damages against Robert Pickton, particulars of which include damages for willfully, intentionally and maliciously harming Dianne.

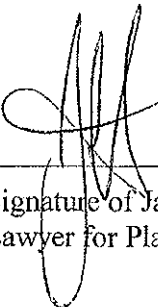
88. The Plaintiffs claim aggravated damages against the VPD, RCMP and Crown for failing to communicate information about the time and manner of Dianne's death to the plaintiffs in a timely and appropriate manner.

Plaintiffs' address for service: Gratl Purtzki
Barristers & Solicitors
302-560 Beatty Street
Vancouver, BC V6B 2L3
Attn: Jason Gratl

Place of trial: Vancouver

The address of the registry is: The Law Courts
800 Smithe Street
Vancouver, B.C. V6Z 2E1

Date: May 9, 2013



Signature of Jason Gratl
Lawyer for Plaintiffs

Rule 7-1 (1) of the Supreme Court Civil Rules states:

(1) Unless all parties of record consent or the court otherwise orders, each party of record to an action must, within 35 days after the end of the pleading period,

(a) prepare a list of documents in Form 22 that lists

(i) all documents that are or have been in the party's possession or control and that could, if available, be used by any party at trial to prove or disprove a material fact, and

(ii) all other documents to which the party intends to refer at trial, and

(b) serve the list on all parties of record.